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SENATE

{ REPORT  
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### MINUTE MAN NATIONAL HISTORICAL PARK BOUNDARY REVISION ACT

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JUNE 16, 2008.—Ordered to be printed

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Mr. BINGAMAN, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 2513]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2513) to modify the boundary of the Minute Man National Historical Park, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of S. 2513 is to modify the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts.

#### BACKGROUND AND NEED

On April 18th and 19th, 1775, British troops marched from Cambridge, Massachusetts, to the farm of colonial militia leader Colonel James Barrett in Concord in an effort to confiscate stolen brass cannons and arrest the American rebellion's leaders. In the weeks before the British patrol, Barrett's farm had been home to the cannons, munitions, and other arms, but the militia had received advanced warning of the British army's plan, and had hidden the arms in the fields and surrounding countryside.

At Concord, the militia forces, led in part by Colonel Barrett, engaged the British at the town's Old North Bridge. The British retreated and colonial militias harried them all the way back to Boston. The day's activities, which became known as the Battle of Lexington and Concord, marked the beginning of the war between

Britain and the American colonies and the start of the colonial siege of Boston.

Minute Man National Historical Park, established by Congress on September 21, 1959, protects many of the locations associated with the Battle of Lexington and Concord, but not Colonel Barrett's farm. Public Law 109–419 directed the Secretary of the Interior to conduct a study to evaluate the significance of Colonel Barrett's farm and to assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historical Park.

The Park Service sent the final study to Congress in March 2008. The study concluded that the expansion of the boundary to include the home and surrounding farmland of Colonel Barrett met the criteria for boundary expansions and that inclusion within the boundary was important to ensure the protection of nationally significant resources and values.

S. 2513 would adjust the boundary of the park to include 67 acres of land, including the Barrett farm.

#### LEGISLATIVE HISTORY

S. 2513 was introduced by Senator Kennedy on December 18, 2007. Senator Kerry is a cosponsor. The Subcommittee on National Parks held a hearing on S. 2513 on April 23, 2008.

At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered S. 2513 favorably reported, without amendment.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 2513 without amendment.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title for the bill.

*Section 2* defines key terms used in the bill.

*Section 3(a)* states that the boundary of the Minute Man National Historical Park is modified pursuant to a referenced map.

Subsection (b) authorizes the Secretary of the Interior to acquire land or an interest in land by purchase from willing sellers, donation, or exchange.

Subsection (c) directs the Secretary to administer the lands within applicable laws.

*Section 4* states that there are authorized to be appropriated such sums as are necessary to carry out this Act.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

#### *S. 2513—Minute Man National Historical Park Boundary Revision Act*

S. 2513 would modify the boundary of the Minute Man National Historical Park in Massachusetts. Based on information provided by the National Park Service (NPS) and assuming appropriation of

the necessary amounts, CBO estimates that implementing S. 2513 would cost \$2.5 million over the 2009–2013 period. Enacting the bill would have no effect on revenues or direct spending.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

S. 2513 would add about 70 acres to the boundary of the historical park and authorize the NPS to acquire the additional acreage by purchase, donation, or exchange. CBO expects that most of the land to be added by the bill would continue to be owned and managed by the town of Concord. We estimate that the NPS would purchase less than five acres, including the site of the James Barrett Farm, for about \$2 million in 2009. Federal costs to restore and develop that property would not be significant because the current owner, a local nonprofit organization, is currently restoring it with private donations. Finally, we estimate that ongoing costs to operate and maintain the new property would be about \$100,000 a year.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2513. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2513, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 2513, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined by rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at a hearing on S. 2513 on April 23, 2008.

#### STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 2513, a bill to modify the boundary of Minute Man National Historical Park to include the home and surrounding farmland of Colonel James Barrett and the area around the Joshua Brooks House.

The Department supports the enactment of this bill.

In December 2006, Congress directed the Secretary of the Interior to conduct a study to evaluate the significance

of the Colonel James Barrett Farm and to assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historical Park. The National Park Service consulted affected property owners, state and local governments, preservation organizations, and the public, and incorporated their views into the findings of the study. The boundary study and environmental assessment, transmitted to Congress in March 2008, concluded that the expansion of the boundary of the park to include the home and surrounding farmland of Colonel James Barrett and the area around the Joshua Brooks House, met the criteria for boundary expansions and that inclusion within the boundary was important to ensure the protection of nationally significant resources and values. There is extensive public support for the boundary expansion.

S. 2513 would permit the inclusion of 67 acres of land within the boundary of the Minute Man National Historical Park, thus adding significant properties to the park that might be cooperatively managed or acquired from willing sellers. The potential boundary expansions were found to meet all National Park Service criteria including the ability to protect significant resources, enhance opportunities for public enjoyment, and improve management capabilities.

The most significant property proposed for inclusion within the revised boundary is the Colonel James Barrett Farm, located at 448 Barrett's Mill Road, Concord, Massachusetts, two miles from the town center and from Minute Man National Historical Park. It includes the home and surrounding farmland of Colonel James Barrett (1710–1779), Revolutionary War patriot and one of the leading figures in the events leading up to the British march on Concord in April 1775. The Barrett Farmhouse and a total of 10 parcels on 64 acres of land that has been farmed continuously since the 18th century would be included in the expanded boundary.

The farm was a major hiding place for the colonists' stores of arms and ammunition. British troops headed there on April 19, 1775 but found nothing, the residents having been alerted by Paul Revere in time to secrete muskets, cannons and powder in the fields. The Battles of Lexington and Concord occurred later that day, marking the start of the Revolutionary War. Minute Man National Historical Park encompasses 967 acres and includes the North Bridge, site of "the shot heard round the world," and the historic Battle Road, where the British both advanced and retreated. Barrett's farm was the impetus for the British advance and the vigorous work of Colonel Barrett and his militia was a key reason for the British retreat.

Considered for inclusion when Minute Man National Historical Park was established in 1959, the farm was then in private ownership and not available for acquisition. The farmhouse is now owned by Save Our Heritage, Inc. a local nonprofit organization, which seeks to preserve

it for public use and enjoyment. The group has been working closely with the Town of Concord and has expended over \$2 million to acquire the farmhouse and in addition, has raised \$770,000 to provide urgently needed stabilization of the building. Much of the surrounding acreage is owned by the Town and is managed as agricultural conservation land, thus preserving the historic agrarian landscape. Owners of the three private parcels have been consulted and have no objection to the boundary change.

The other property included in the proposed boundary expansion abuts the historic Joshua Brooks House, which is owned by the National Park Service. Located at 37 North Great Road (Battle Road), this 3-acre parcel is partially inside the park boundary. Expanding the boundary would ensure protection of the viewshed around the Joshua Brooks House, a key spot on the Battle Road, by permitting acquisition of the property in fee or through a less-than-fee purchase such as a conservation easement.

The estimated increase in annual operations, maintenance and interpretation costs resulting from the acquisition of lands authorized with this proposed boundary expansion would be approximately \$65,000.

Of the 67 acres authorized in this boundary expansion, the only land that is envisioned to be acquired by the National Park Service is the 4.5 acres that include the farmhouse and the adjacent farmland. The approximate cost to acquire the 4.5 acres would be \$2.1 million. Funding for these costs would be subject to NPS priorities and availability of appropriations. For the remaining 62.5 acres, most of the land (55+ acres) within the potential boundary expansion at Barrett's Farm is owned by the Town of Concord or the Concord School Committee. The park is only authorized to acquire land from a government entity by donation. The rest of the acreage could be protected through conservation easements or management agreements.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill, S. 2513, as ordered reported.